

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on 6/22/07. At the time the Examiner mailed the Office Action claims 40-54 were pending. By way of the present response the Applicant has: 1) amended claims 48 and 50; 2) added new claims 55-64; and, 3) has not canceled any claims. As such, claims 40-64 are now pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 40-64.

Claim Objections

The Examiner has objected to the claims because of a numbering mistake starting with claim "50". See, Examiner's Office Action, mailed 6/22/07, p. 2. The Applicant thanks the Examiner for discovering this error and has submitted herewith properly numbered claims. Henceforward the Applicant will only refer to the properly numbered claims.

Claim Rejections Under 35 USC 101

The Examiner has rejected independent claim 50 as being directed to non patentable subject matter. See, Examiner's Office Action, mailed 6/22/07, p. 2. According to the Examiner, claims 50 stands rejected

because the claim does not specify that the computer program be embodied on a computer readable medium. A computer program that is not embodied on an appropriate computer readable storage medium is nothing more than an abstract idea. When the program is stored on an appropriate computer readable storage medium it becomes structurally and functionally interrelated to the medium and will be statutory in most case[s] . . .

Examiner's Office Action, mailed 6/22/07, p.2.

The Applicant understands the Examiner's comments to indicate that the claims will be statutory if the Applicant amends the claim 50 to recite the storage of program code on a machine readable medium. The Applicant has therefore amended the preamble of claim 49 to recite (emphasis added):

An article of manufacture comprising program code stored on a machine readable medium, said program code able to be processed by a machine, said program code being organized into:

The Applicant respectfully submits that claim 49 is presently statutory in view of this amendment.

Claim Rejections Under 35 USC 103

The Examiner has rejected independent claims 40 and 50 under 35 USC 103 as being obvious in view of U.S. Pat. No. 5,548,750 (hereinafter "Larsson") and U.S. Pub'd Pat. App. No. 2003/0004975 (hereinafter "Nakano"). According to the Examiner, Larsson teaches all claim elements except the deletion of the

identifier. See, Examiner's Office Action, mailed 6/22/07, p. 4 (regarding the rejection of claim 40) and pp. 6-7 (regarding the rejection of claim 50 [sic]).

The Applicant respectfully disagrees with the Examiner's analysis. Specifically, Larsson fails to disclose, at least: i) locking the recited "identifier" and, ii) confirming that content of an archived version of a data object corresponds to said data object's content. The Examiner appears to read the LID table of Larsson as including the claimed identifier. See, Examiner's Office Action, mailed 6/22/07, p. 4 and pp. 6-7 ("... as backup marked in the LID table ...").

However, Larsson simply fails to recite locking of the contents within the LID table. The LID table appears to be used as a pointing device that is able to locate the physical location of objects based on a class and/or key value. See, Larsson, Fig. 1; col. 4, lines 30-66. The LID is mostly described in Larsson as being: 1) updated with information that indicates whether a transaction's objects are to be "included" or "excluded" during a backup procedure (based on whether or not the transaction has reached a COMMIT phase) (see, e.g., Larsson, col. 5, lines 32-43; col. 6, lines 45-48); and, 2) utilized to identify which objects listed in the LID are to be backed up based on the information discussed in 1) above (see, e.g., Larsson, col. 6, lines 45-48). Nowhere, however, does Larsson describe the contents of the LID table being "locked".

Nor does Larsson describe a process whereby the archived version of a data object are confirmed to correspond the content of the data object. Larsson

simply describes a backup process where no "double-check" or other kind of confirmation process is performed.

Nakano does not appear to cure the deficiencies of Larsson. Therefore, the Applicant respectfully submits that independent claims 40 and 50 are allowable over the Examiner's combination.

CONCLUSION

Applicants respectfully submit that all rejections have been overcome and that all pending claims are in condition for allowance.

Because the Applicant has demonstrated the patentability of all pending independent claims, the Applicant respectfully submits that all pending claims are allowable. The Applicant's silence with respect to the dependent claims should not be construed as an admission by the Applicant that the Applicant is complicit with the Examiner's rejection of these claims. Because the Applicant has demonstrated the patentability of the independent claims, the Applicant need not substantively address the theories of rejection applied to the dependent claims.

In the further interests of efficiency, the Applicant reserves the right under MPEP 2144.03.C to cause the Examiner to find in the prior art subject matter to which the Examiner has taken Official Notice at a later time in the prosecution of the present case when the subject matter of such prior art is actually at issue.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully Submitted,
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